

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JACOB ALLEN WHITE,

Defendant.

CR 05-177-GF-DLC-RKS

ORDER

FILED

NOV 21 2013

Clerk, U.S. District Court
District Of Montana
Missoula

This case was referred to United States Magistrate Judge Keith Strong for a revocation hearing and findings and recommendations. Judge Strong entered findings and recommendations on October 28, 2013. Defendant admitted he violated the conditions of his supervised release by refusing to submit to an alcohol test, failing to report for scheduled chemical dependency treatment sessions, and consuming alcohol. Judge Strong found the admissions sufficient to establish the supervised release violations. He recommended that this Court revoke Defendant's supervised release and commit him to the custody of the United States Bureau of Prisons for a term of imprisonment of 8 months without further supervision.

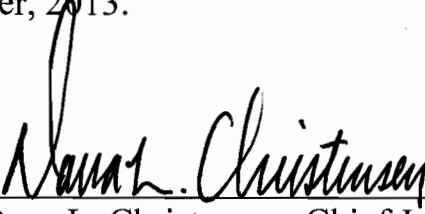
No objections were filed by either party. Judge Strong's findings and recommendations are therefore reviewed for clear error. *McDonnell Douglas Corp. Commadore Bus. Mach, Inc.*, 656 F.2d 1309, 1319 (9th Cir. 1981).

This Court agrees with Judge Strong's findings. Defendant admitted that he violated three conditions of his supervised release. The United States Sentencing Guidelines call for 4 to 10 months imprisonment. A sentence of 8 months is appropriate because Ms. White has now repeatedly failed to abide by his conditions of supervised release, especially those conditions related to the consumption of alcohol. Consumption of alcohol contributed to Mr. White's underlying offense.

In addition, discontinuing any further supervised release is appropriate because this petition to revoke occurred when Mr. White had only one month remaining on his term of supervision. Mr. White has previously complied with his conditions of release for significant periods and this violation appears related to the recent death of his son rather than a determined unwillingness to comply with the law.

IT IS ORDERED that Judge Strong's Findings and Recommendations (Doc. 57) are ADOPTED in full and Judgment shall be entered accordingly.

Dated this 21st day of November, 2013.



Dana L. Christensen, Chief Judge
United States District Court